

## Message Text

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C O N F I D E N T I A L SANTIAGO 00789

EXDIS

EO 11652: XGDS-4

TAGS: CI, PINT, PFOR, SHUM

SUBJ: CHILE: HUMAN RIGHTS AND PROCEDURAL SAFEGUARDS

REFS: STATE 23898; SANTIAGO 723 AND 658

1. SUMMARY: MY FEB 3 CALL ON INTERIOR MINISTER GENERAL BENAVIDES PRODUCED ADDITIONAL DETAIL ON GOC POLICY OF RELEASING DETAINEES, BUT LITTLE OF SIGNIFICANCE IN CONNECTION WITH RESTORATION OF PROCEDURAL SAFEGUARDS AND NORMAL LEGAL PROCESSES IN NEAR FUTURE. BENAVIDES TOOK LINE THAT HIS MANDATE EXTENDED ONLY TO DETAINEE ASPECTS OF HUMAN RIGHTS PROBLEM. END SUMMARY.

2. MOST OF MY CONVERSATION WITH GEN BENAVIDES COVERED STATUS OF GOC DETAINEE RELEASE PROGRAM AND GENERAL DETAINEE SITUATION, ALONG FAMILIAR LINES. IT APPEARS FROM BENAVIDES' COMMENTS THAT GOC EXPECTS VENEZUELA TO ACCEPT 26 DETAINEES AVAILABLE FOR RELEASE THROUGH THAT COUNTRY; THAT IT EXPECTS MEXICO TO ACCEPT THOSE OF THE 200 DETAINEES OFFERED BY PRESIDENT PINOCHET IN HIS DECEMBER 31 SPEECH WHO ARE WILLING TO GO THERE; AND THAT NEW LIST OF SOME 120 NAMES IS NOW BEING CIRCULATED TO RESPONSIBLE ORGANIZATIONS TO DETERMINE WHETHER THESE DETAINEES TOO CAN BE PLACED IN COUNTRIES OF RECEPTION.

3. BENAVIDES IS IMPRECISE IN HIS STATISTICS, BUT  
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IN KEEPING WITH SOME EARLIER INDICATIONS WE HAVE

RECEIVED, TOOK LINE THAT NOT ALL THOSE STILL  
DETAINED WITHOUT CHARGE UNDER STATE OF SIEGE LEGISLATION  
WOULD BE RELEASED IN IMMEDIATE FUTURE. SOME OF THEM, HE SAID,  
ARE MILITANTS, AND EVEN IF EXILED WOULD BE LIKELY TO RETURN  
ILLEGALLY TO CHILE. HOWEVER, SOME OF THESE PEOPLE HAVE  
BY NOW BEEN HELD FOR UP TO 16 MONTHS, AND THEIR CASES  
WILL BE REVIEWED FROM TIME TO TIME, SINCE GOC WANTS  
TO GET RID OF THEM AS SOON AS IT SAFELY CAN. BENAVIDES  
NOTED THAT PRESIDENT PINOCHET HAS AUTHORITY TO  
COMMUTE SENTENCES OF INDIVIDUALS ALREADY CONVICTED, SO  
THAT THEY MAY GO ABROAD. INFERENCE IS THAT BARRING SOME  
SPECIFIC ELEMENT OF RISK FOR GOVERNMENT, MOST DETAINEES WITH  
PROSPECTIVE SAFE HAVENS ABROAD MIGHT EVENTUALLY BE ALLOWED TO  
DEPART FROM CHILE.

4. I ASKED SPECIFICALLY WHAT WOULD HAPPEN TO THE REMAINING  
SENIOR UP OFFICIALS STILL HELD AT RITOQUE. BENAVIDES SAID  
THAT THEIR FATE WAS A MATTER OF PRESIDENTIAL DECISION. HE  
THOUGHT IT LIKELY THAT MOST WOULD EVENTUALLY BE FREED TO GO  
ABROAD, BUT THAT A HARD-CORE FEW SUCH AS COMMUNIST LEADER LUIS  
CARVALAN WOULD BE RETAINED INDEFINITELY.

5. AT SEVERAL POINTS IN CONVERSATION I TOOK OCCASION  
TO POINT OUT THAT WHILE GOC'S DETAINEE RELEASE POLICY  
WAS CONSTRUCTIVE AND CERTAINLY HELPFUL IN MODERATING  
CRITICISM, FOREIGN OBSERVERS WOULD BE EVEN MORE FAVORABLY  
IMPRESSED IF PROGRESS COULD SOON BE DEMONSTRATED TOWARD RE-  
STORING PROCEDURAL SAFEGUARDS AND NORMAL LEGAL PROCESSES.  
BENUVIDES AVOIDED SPECIFIC DISCUSSION OF THESE ASPECTS OF PROBLEM.  
HE STATED THAT HIS MANDATE DID NOT EXTEND BEYOND DETAINEE  
RELEASE PROGRAM, AND THAT THESE WERE MATTERS FOR MINISTRY  
OF JUSTICE AND OTHER GOC AUTHORITIES.

6. BENAVIDES DID HOWEVER EXPLAIN ONCE AGAIN THE UTILITY  
OF THE NEW LEGAL CODE OF NATIONAL SECURITY OFFENSES WHICH  
THE GOC NOW HAS UNDER PREPARATION. AS PREVIOUSLY  
REPORTED, HE NOTED IT WAS DESIGNED TO COVER CRIMES NOT  
PROPERLY DESCRIBED OR HANDLED IN TRADITIONAL CHILEAN  
LEGISLATION. IMPRESSION HE GAVE WAS THAT HIGH-JACKING,  
TERRORISM, AND INTERNAL SECURITY OFFENSES BROADLY DEFINED WOULD  
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BE SHARPLY PENALIZED. BENAVIDES INDICATED SOMEWHAT VAGUELY  
THAT ALL SUCH OFFENSES EXCEPT THOSE DIRECTLY INVOLVING ARMED  
FORCES MIGHT EVENTUALLY BE HANDLED IN CIVIL COURTS. BUT  
IN GENERAL BENAVIDES TAKES AN EXTREMELY CONSERVATIVE VIEW RE-  
GARDING RESTORATION OF CIVILIAN LEGAL AUTHORITY. THOUGH  
ADMITTING TERRORIST GROUPS HAVE BEEN LARGELY DESTROYED IN  
CHILE, HE MAINTAINS THAT COMMUNIST PARTY IS BUSILY REORGANIZING,  
AND THAT IT HAS ALREADY LAUNCHED A PROPAGANDA PAMPHLET CAMPAIGN

WHICH HAS TO BE COUNTERACTED. ACCORDINGLY, HE FEELS, MILITARY SECURITY MEASURES MUST BE RETAINED.

7 I OPENED UP QUESTION OF GOC'S WILLINGNESS TO RECIEVE FUTURE INVESTIGATING COMMITTEES, BUT RECEIVED IN REPLY SIMPLY A REPLAY OF PINOCHET'S DEC 31 STATEMENT TO EFFECT THAT ONLY COMMISSIONS WHICH COULD INVESTIGATE HUMAN RIGHTS IN COMMUNIST COUNTRIES COULD BE RECEIVED IN CHILE. IT DID NOT THEREFORE SEEM TO ME EXPEDIENT TO PRESS QUESTION WHETHER INTER-AMERICAN HUMAN RIGHTS COMMISSION MIGHT RETURN TO CHILE. WILL HOLD THAT MATTER IN RESERVE FOR A MORE AUSPICIOUS OCCASION.

8. COMMENT: BENAVIDES REFLECTED CONFIDENCE THROUGHOUT THAT STEPS GOC HAD TAKEN TO RELEASE DETAINEES HAD SUBSTANTIALLY EASED ITS IMAGE PROBLEMS ABROAD. HE RECALLED THAT IN EARLY DAYS OF JUNTA, THERE HAD BEEN CONSTANT STREAM OF JOURNALISTS, COMMITTEES, ETC. WHO DESIRED TO VISIT HIGH-LEVEL DETAINEES. NOW SUCH EFFORTS WERE RARE. BENAVIDES APPEARS TO FEEL THAT IF DETAINEE RELEASES CONTINUE, FOREIGNERS WILL GRADUALLY TIRE OF BAITING CHILE, AS THEIR ATTENTION IS FOCUSSED ON OTHER PROBLEMS.

9. CLEARLY, IF WE ARE TO CONDUCT DIALOGUE ON BROAD HUMAN RIGHTS PROBLEM, THIS WILL HAVE TO BE DONE WITH SOME ONE OTHER THAN BENAVIDES. AT SAME TIME, WE WILL STAND READY TO RESPOND TO HIS DESIRE FOR FURTHER DISCREET INFORMAL CONTACTS WITH RESPECT TO ANY ASPECTS OF THE DETAINEE PROGRAM HE CONSIDERS OF INTEREST TO USG.  
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